

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY GERARD LEWIS,

Plaintiff,

v.

J. BEARD, et al.,

Defendants.

No. C 15-03335 BLF (PR)

**ORDER DIRECTING PLAINTIFF TO
PROVIDE COURT WITH MORE
INFORMATION FOR UNSERVED
DEFENDANT**

Plaintiff, a state prisoner currently incarcerated at Salinas Valley State Prison ("SVSP") in Soledad, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against SVSP officials. On April 5, 2016, the Court issued an order of service upon SVSP Defendants. (Docket No. 16.) On April 13, 2016, Litigation Coordinator G. Lopez filed a letter with the Court indicating that Defendant J. Pehrson no longer worked for SVSP and had retired in December 2014. (Docket No. 21.) Accordingly, this Defendant has not been served.

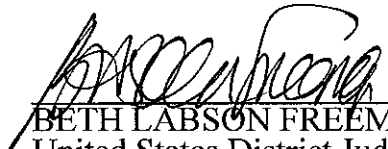
Although a plaintiff who is incarcerated and proceeding in forma pauperis may rely on service by the Marshal, such plaintiff "may not remain silent and do nothing to effectuate such service"; rather, "[a]t a minimum, a plaintiff should request service upon the appropriate defendant and attempt to remedy any apparent defects of which [he] has

1 knowledge.” *Rochon v. Dawson*, 828 F.2d 1107, 1110 (5th Cir. 1987). Here, Plaintiff
2 has not provided sufficient information to allow the Marshal to locate and serve
3 Defendant J. Pehrson and therefore Plaintiff must remedy the situation or face dismissal
4 of his claims against this Defendant without prejudice. *See Walker v. Sumner*, 14 F.3d
5 1415, 1421-22 (9th Cir. 1994) (holding prisoner failed to show cause why prison official
6 should not be dismissed under Rule 4(m) where prisoner failed to show he had provided
7 Marshal with sufficient information to effectuate service).

8 Accordingly, Plaintiff must file a notice providing the Court with an accurate and
9 current address for **Defendant J. Pehrson** such that the Marshal is able to effect service.
10 If Plaintiff fails to provide the Court with the information requested **within thirty (30)**
11 **days** of the date this order is filed, Plaintiff’s claims against this Defendant will be
12 dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil
13 Procedure.

14 **IT IS SO ORDERED.**

15 DATED: April 19, 2016


16 BETH LABSON FREEMAN
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28